

Patent Office Raises IP Questions For Tribes

Overview

Upcoming webinars and contributed commentary will shape future federal positions on 18 intellectual property questions that impact tribes. **Tribes and inter-tribal organizations are encouraged to participate in consultations and to submit written comments to provide input on important matters concerning indigenous intellectual property rights.**

The Request for Comments from the U.S. Patent and Trademark Office (USPTO) presents 18 questions around genetic resources (GR), traditional knowledge (TK) and traditional cultural expressions (TCEs). **A series of tribal webinars and consultations are scheduled for January 2024, and written comments are due in February 2024.**

The USPTO seeks input on how the **World Intellectual Property Organization** should best protect GR, TK and TCEs of Indigenous People, including whether such should be considered “public domain” or should receive grants or acknowledgments of exclusive rights or protections.

Next steps for tribes

Webinar Options

Please use the link provided to register: <https://cvent.me/bZRP3L>

Webinar Times:

For Federally Recognized Tribal Nations:

Tuesday, January 16, 2024 – 3 p.m. to 5 p.m. Eastern or
Wednesday, January 17, 2024 – 3 p.m. to 5 p.m. Eastern

Written Comment Submission:

Due by Friday, February 23, 2024

For State Recognized Tribes, Native Hawaiians and Inter-Tribal Organizations:

Friday, January 19, 2024 – 3 p.m. to 5 p.m. Eastern
Thursday, January 23, 2024 – 2 p.m. to 5 p.m. Eastern

At-a-glance definitions



GR: Genetic Resources,

including “genetic material of actual or potential value” consisting of plant, animal, microbial, or other origin containing functional units of heredity.



TK: Traditional Knowledge,

including knowledge passed from generation to generation, in any form, and linked with a national or social identity of Indigenous Peoples/local communities, including know-how, skills, innovations, practices, teachings, and learning.



TCEs: Traditional Cultural Expressions,

generally not attributable to individual authors, but used (can be secret/sacred or public/commercial) and developed within a community in the form of literature, music, dance, games, mythology, rituals, handicrafts, religious and sacred texts, arts and customs, expressions of faith, and ancient beliefs.

Contact us

The following Foster Garvey professionals can be contacted for more information on these important topics. We are also happy to share the 18 Questions for Comment provided by the USPTO, which are available at <https://www.federalregister.gov/d/2023-23386>.



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